

REMARKS

As a threshold matter, Applicant thanks the Examiner for indicating the review of a portion of the references included in Applicant's Information Disclosure Statement (IDS) filed August 1, 2005, but note that the Examiner has not indicated that the last 4 references cited in that IDS were considered. Applicant thus respectfully requests that the Examiner acknowledge consideration of those references of the previously submitted IDS by initialing each reference on a copy of the IDS and returning the copy to the Applicant's representative. In addition, Applicant also notes that a new supplemental IDS is currently being filed, and further respectfully requests that the Examiner similarly acknowledge consideration of the references of the new IDS.

Overview

The Examiner responded in the prior Office Action as follows: rejected claims 8, 10-11, 33-39 and 51-74 under 35 U.S.C. § 103(a) as being unpatentable over Rust (U.S. Patent No. 6,668,273) in view of Teng et al. (U.S. Patent No. 5,930,473) and in view of Rakavy et al. (U.S. Patent No. 5,913,040); rejected claims 12-14, 75-77 and 79 under 35 U.S.C. § 103(a) as being unpatentable over Rust in view of Teng and Rakavy and Ikeda (U.S. Patent Application No. 2001/0020247); rejected claim 78 under 35 U.S.C. § 103(a) as being unpatentable over Rust in view of Teng and Rakavy and Ikeda and Novaes (U.S. Patent Application 2003/0005053); and rejected claim 53 under 35 U.S.C. § 112 second paragraph as being indefinite.

Applicant hereby amends claims 8, 12 and 33 in order to clarify the subject matter of their invention, and further hereby adds new dependent claims 80-85. Thus, claims 8, 10-14, 33-39 and 51-85 are now pending.

Analysis

The Examiner has rejected claim 53 under 35 U.S.C. § 112 as being indefinite due to lack of an antecedent basis for the term "the server" in line 5. However, Applicant notes that claim 53 depends from claim 8, which recites a method of operation "[i]n a server" in line 1. Accordingly, since antecedent basis does exist for the term "the server" in claim 53, Applicant respectfully requests that this rejection be withdrawn.

More generally, the Examiner has maintained the rejection of the previously pending claims under 35 U.S.C. § 103(a) as being unpatentable over Rust in combination with Teng and Rakavy, with a few claims further rejected in combination with new references Ikeda and Novaes. However, each of the pending claims as previously rejected and currently amended includes features and provides functionality not disclosed by the references, and thus each of the pending claims as rejected is allowable.

For example, in the prior response, Applicant noted that the pending claims generally recite the use of a server system to store digital images and other digital media resources as part of exchanging those digital images between users of the server system, and further explained that none of the cited references teach or suggest that users of a server system could identify each other as resource sharing partners for the purposes of exchanging digital images in the manner recited. In particular, Applicant noted the following:

none of Rust, Teng or Rakavy teaches or suggests that users who have designated each other as resource sharing partners may automatically exchange digital media resources that they upload. The Examiner has asserted that Rust demonstrates a one-way designation of a recipient by a provider of information, and appears to rely on Teng to teach or suggest that such a 1-way designation could be expanded to a two-way exchange of information between designated partners. However, even assuming that the providing of information to a recipient in Rust is analogous to designating a user as a resource sharing partner, Teng appears to lack any suggestion of users designating other users as sharing partners, as does Rakavy. Applicant's Amendment dated August 1, 2005, page 15.

Moreover, various of the pending claims as amended include additional details regarding how users identify each other as resource sharing partners for the purposes of exchanging digital images. For example, pending claim 8 as amended recites a method in the server that includes "receiving indications of a plurality of users who each login to the server to perform exchanges of digital images with other users; [and] for each of multiple of the plurality of users, receiving information from the user identifying a subset of the plurality of users whom the user has chosen as resource sharing partners with whom to share digital images, . . . the multiple users including a first user who has identified a second user as a resource sharing partner and including the second user who has identified the first user as a resource sharing partner," so that, after the first user has identified the second user as a resource sharing partner of the first user and after the second user has identified the first user as a resource sharing partner of the second user, copies of digital images that are uploaded from each of the first and second users can be transparently

downloaded to computing devices of the other of the users. Each of the independent claims 12 and 33 includes similar language.

In response to Applicant's prior comments, the Examiner acknowledges that Teng does not suggest designating other users as resource sharing partners, but maintains that lines 32-42 of column 7 of Rust does disclose designating resource sharing partners as recited in the previously pending claims, and that it is Rust's teaching that therefore provides the basis for that portion of the rejection. (Examiner's Action dated October 24, 2005, page 20.) However, Applicant can find no basis in the indicated portion of Rust that is remotely related to users designating each other as resource sharing partners for exchanging digital images in the manner recited in the claims. This portion of Rust is included below for reference purposes.

Accordingly, the flow of a collaborative Web browsing session 100 begins with the Presenter Client 110 sending a request to the Control Server 140. This request may be to send new visual data to the Attendee Clients 120. Alternatively, the request could be to exercise any of the various features in the collaborative Web browsing session. Such features include, but are not limited to, browsing to a new Web page, displaying a new presentation slide, diagramming on a virtual whiteboard, and conversing in a chat window. Rust, 7:32-42.

This text merely indicates that a Presenter Client may send new visual data to a control server, which may then be forwarded to one or more Attendee Clients by the control server. However, this passage lacks any suggestion that the Presenter Client has identified the Attendee Clients in any manner at any time (let alone identified them as resource sharing partners in the manner recited in the claims), or that the Presenter Client even knows the identity or number of the Attendee Clients. More generally, the other portions of Rust appear to lack any teaching, suggestion or motivation for a system in which the Presenter Clients select or choose the Attendee Clients in the manner asserted by the Examiner. Instead, Rust appears to describe a typical publish-subscribe system in which one client (here the Presenter Client) provides data to a server, and other clients (here the Attendee Clients) can go to the server to obtain the provided data without any interaction with the provider of the data. For example, Rust explicitly indicates that an "Attendee Client 120 can join the collaborative Web browsing session 100 at any time after the session has been created" and that "[t]o join the session, the Attendee Client 120 preferably sends to the Control Server 140 the identification code corresponding to the desired session." Rust, column 7, lines 9-14. If an Attendee Client can join a session at any time after the session has been created, such as moments before the session ends, it would be nonsensical

for the system to have waited until that point to provide the data to the Attendee Client if the Presenter Client had indeed previously identified the Attendee Client as a recipient before the session began. Similarly, Rust makes clear that the Attendee Client interacts with the Control Server, not the Presenter Client, to obtain data, as is typical in a publish-subscribe system in which the providers and receivers of data are uncoupled and typically unknown to each other. The Examiner has argued in the prior Office Action with respect to Rust that "it is obvious, that the first user [the Presenter Client] must identify the second user [the Attendee Client] as a resource sharing partner in this request (or prior to) in order for the control server to know to which second users to share the digital images." (Examiner's Action dated October 24, 2005, page 3.) However, as Rust makes clear, it is the recipient Attendee Client who initiates the request to obtain the data, not the Presenter Client who provides any identification of the Attendee Client, and thus the Examiner's assertion is incorrect.

Accordingly, since the Examiner has failed to indicate any teaching, suggestion or motivation in Rust or any of the other cited references of users identifying each other as resource sharing partners for the purposes of exchanging digital images in the manner recited, the Examiner has failed to establish a prima facie case of obviousness with respect to the pending claims as previously rejected and as currently amended. Therefore, each of the pending claims 8, 10-14, 33-39 and 51-85 are patentable over the cited prior art for at least these reasons. To the extent that the Examiner maintains any portions of this rejection in the next response, Applicant requests that the Examiner identify with specificity the portions of Rust that correspond to the recited claim elements discussed above.

In addition, various of the pending claims also recite additional features lacking in the cited references, and are thus allowable on the basis of those features as well, but are not enumerated here for the sake of brevity.

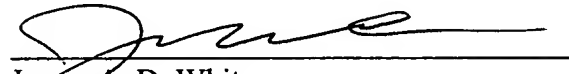
Conclusion

In light of the above remarks, Applicant respectfully submits that all of the pending claims are allowable, and therefore requests the Examiner to reconsider this application and timely allow all pending claims. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 694-4815.

Application No. 10/028,219
Reply to Office Action dated October 24, 2005

The Director is authorized to charge any additional fees due by way of this Amendment,
or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
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